

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WEATHERPROOFING TECHNOLOGIES, INC.,

Plaintiff,

v.

ALACRAN CONTRACTING, LLC,

Defendant.

ORDER

13-cv-829-jdp

On October 23, 2014, the court held a hearing on plaintiff Weatherproofing Technologies, Inc.'s (WTI) second motion to compel discovery and request for sanctions against defendant Alacran Contracting, LLC, Dkt. 24. Alacran violated this court's previous order, Dkt. 21, to provide full responses to outstanding discovery requests by July, 29, 2014. Alacran's responses came late and in installments, the last only on October 15, 2014, after this motion was filed. The primary area of continuing concern is the underlying documentation for Alacran's expenses in connection with the construction project that gives rise to this suit. WTI says that most of the expenses claimed by Alacran are undocumented and thus suspicious, but Alacran's counsel says that he has turned over everything he has gotten from his client. This raises a red flag for the court, because Alacran should have documented its expenses punctiliously, given that the parties' deal was that they would share Alacran's profits or losses on the project.

WTI's motion to compel is GRANTED. Alacran may not introduce or use for any purpose any document that WTI had requested but that Alacran has not produced to WTI by October 15, 2014. Alacran will pay WTI's reasonable fees and expenses in bringing the motion. If the parties cannot agree on the amount of those fees and expenses, WTI should file a claim for fees (with documentation). Alacran will have five calendar days to file any opposition. The court denies WTI's request for an additional sanction, without prejudice to WTI renewing that

request after it takes Mr. Bui's deposition. The schedule for dispositive motions is again amended: motions are due November 24, 2014, with responses by December 23, 2014, and replies January 9, 2015.

Entered this 24 day of October, 2014.

BY THE COURT:

/s/

JAMES D. PETERSON

District Judge